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BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pat YANANTON	)	Date: July 1, 2009
	)	
Serial No.: 10/033,862	)	Group Art Unit: 3644
	)	
Filed: 12/20/2001	)	Examiner: R. Thomas PRICE
	)	
Title: Absorbent Pad for Entrapping Fine and Coarse Particles, Retaining Liquids, and Eliminating Odors	)	Docket: YA-1718
	)	

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273- 8300 on July 1, 2009 (date).

Printed name of person signing this certificate

John D. Guadotta

Signature

Hon. Commissioner of Patents and Trademarks  
PO Box 1450  
Alexandria, VA 22313

**REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT  
DETERMINATION**

Dear Sir:

Applicant does not agree with the patent term adjustment determination as shown on the Notice of Allowance which is reflected on the PAIR screen, and requests reconsideration of the

-1-

-2-

patent term adjustment determination.

Applicant maintained due care at all times during pendency of the application.

In reviewing the patent term adjustment history, the applicant was charged with the following delays:

- 181 days from the date of response to the non-final rejection of 07/16/2004. This response was filed 10/15/2004. In response to an examiner's interview of 03/28/2005, a supplemental response was filed 16 days later. Applicant fails to see how 181 days of delay can be attributed to his actions as a result of this timeline.
- 146 days of added delay were added from 01/17/2006 after the response to nonfinal action was forwarded to the examiner. Applicant fails to see how 146 days of delay can be attributed to his actions as a result of this timeline.
- 291 days were additionally added during a period from 01/31/2007 through 08/16/2007 in which a notice of allowance was issued, and subsequently rescinded. Applicant fails to see how he could have done anything to affect this delay whatsoever.

In reviewing the overall timeline and equities of the prosecution history, this application was filed 12/21/2001; it was allowed, then allowance rescinded two years ago. Under 37 C.F.R. 1.704 a reduction of period of adjustment of patent term can be made by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution (processing or examination) of the application. With an overall pendency of 7,478 days and a calculated prosecution delay of 787 days, applicant respectfully argues that a substantial

-3-

majority of the prosecution time was entirely outside of his control, and that a patent term adjustment of only 40 days effectively erases almost one half of the entire effective term.

Respectfully submitted,

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